

# **EXHIBIT A**

Attorney Code #36013

FILED  
6/25/2020 3:23 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
9588748

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT – LAW DIVISION**

LATOYIA MCSWINE,

Plaintiff,

v.

GONSALO MORENO, and  
TRUCKS FOR YOU, INC.,  
a Foreign Corporation

Defendant.

No.: 2020L006806

JESSE WHITE  
SECRETARY OF STATE

JUN 30 2020

AMT \$5.00

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, LATOYIA MCSWINE, by and through her attorneys, LAW OFFICE OF SCOTT D. DESALVO LLC, and in complaining of the Defendants, GONSALO MORENO and TRUCKS FOR YOU, INC., a Foreign Corporation, states and alleges as follows:

**COUNT I - GONSALO MORENO**

1. That on or around July 11, 2018, Interstate 294 was a public highway running in a northerly and southerly direction at or near Mile Post 30.7 and just south of the exit ramp for Interstate 290, in the Township of Proviso, County of Cook and State of Illinois.

2. That at said time and place, the Plaintiff, LATOYIA MCSWINE, was operating a vehicle which was traveling northbound on Interstate 294 at or near Mile Post 30.7 and just short of the exit ramp for Interstate 290.

3. That at said time and place, Defendant, GONSALO MORENO, was also operating a vehicle which was traveling northbound on Interstate 294 at or near Mile Post 30.7 in the same City, County and State as aforesaid.

4. That at all times mentioned herein, the Defendant, GONSALO MORENO, had a duty to exercise due care and caution in the operation of his motor vehicle so as to avoid injuries to persons lawfully upon the thoroughfare including the Plaintiff, LATOYIA MCSWINE.

5. That at said time and place, the Defendant, GONSALO MORENO, breached his aforementioned duty in that he did or failed to do one or more of the following things in a careless and negligent manner:

- a. Operated his motor vehicle at a rate of speed that was greater than was reasonable and proper with regard to traffic conditions and the use of the highway contrary to and in violation of Section 11-601(a) of the Illinois Motor Vehicle Code.
- b. Failed to keep a proper lookout for other vehicles in and about the area.
- c. Failed to have his motor vehicle equipped with brakes proper and sufficient to hold and stop his motor vehicle contrary to and in violation of Section 12-301(a) of the Illinois Motor Vehicle Code.
- d. Failed to give proper and adequate warning of the approach of his motor vehicle although such warning was necessary to ensure the safe operation of her motor vehicle contrary to and in violation of the provisions of Section 12-601(a) of the Illinois Motor Vehicle Code.
- e. Failed to stop his motor vehicle when danger was imminent so as to avoid causing a collision.
- f. Failed to change the course of said motor vehicle so as to avoid striking another vehicle when it was necessary to avoid causing injuries to the Plaintiff.

- g. Followed the Plaintiff's vehicle too closely in violation of Section 11-710 of the Illinois Motor Vehicle Code.
- h. Failed to maintain his vehicle wholly within his lane of traffic contrary to and in violation of the provisions of Section 11-709 of the Illinois Motor Vehicle Code.

6. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions to act on the part of the Defendant, GONSALO MORENO, the vehicle being operated by the Defendant, GONSALO MORENO, had a collision with the vehicle being operated by the Plaintiff, LATOYIA MCSWINE; and as a direct and proximate result of that collision, the Plaintiff, LATOYIA MCSWINE, was then and there severely and seriously injured, both internally and externally, and she suffered a severe shock to her nervous system, and bruises, contusions, and lacerations to her body; and became sick and disabled, and will continue to suffer great pain, discomfort and physical impairment, and her injuries required hospitalization and medical treatment, all of which said injuries are permanent; and she has been kept from and will be kept from attending to his ordinary affairs and duties and has lost large gains as a result thereof. Additionally, she has become and will become obligated for large sums of money for her medical and hospital care and treatment.

WHEREFORE, the Plaintiff, LATOYIA MCSWINE, by and through her attorneys, LAW OFFICE OF SCOTT D. DESALVO LLC, prays that a judgment be entered against the Defendant, GONSALO MORENO, in a sum in excess of \$30,000.00 or such other sum which will fairly, reasonably, and adequately compensate her for her injuries and damages, together with her costs of bringing this suit.

**COUNT II- TRUCKS FOR YOU, INC**

1. to 6. The Plaintiff, LATOYIA MCSWINE, by and through her attorneys, LAW OFFICE OF SCOTT D. DESALVO, hereby adopts the allegations of Paragraphs 1. to 6. of the previous Count as and for the allegations to Paragraphs 1. to 6. of this Count as though fully set forth herein.

7. At all times mentioned herein, the Defendant, GONSALO MORENO, was an employee and/or agent of the Defendant, TRUCKS FOR YOU, INC., and was acting within the scope and course of his employment and/or agency with the Defendant, TRUCKS FOR YOU, INC.

8. That by virtue of the employment and/or agency relationship between the Defendant, GONSALO MORENO, and the Defendant, TRUCKS FOR YOU, INC., the Defendant, TRUCKS FOR YOU, INC., is vicariously liable for the acts of the Defendant, GONSALO MORENO.

WHEREFORE, the Plaintiff, LATOYIA MCSWINE, by and through her attorneys, LAW OFFICE OF SCOTT D. DESALVO, LLC, prays that a judgment be entered against the Defendant, TRUCKS FOR YOU, INC, in a sum in excess of \$30,000.00 or such other amount which will fairly, reasonably and adequately compensate her for her injuries and damages, together with her costs of bringing this suit.

Respectfully Submitted:

/s/ Scott D. DeSalvo

Scott D. DeSalvo,  
Attorney for Plaintiff

Scott D. DeSalvo  
LAW OFFICES OF SCOTT D. DESALVO  
200 North LaSalle Street, Suite 2675  
Chicago, Illinois 60601  
Phone: (312) 895-0545  
Attorney Code: 36013

**Certification Pursuant to SCR 222(b)**

I, Scott D. DeSalvo, the attorney, certify that the amount of damages sought for each Plaintiff in this matter exceeds \$50,000.00.

/s/Scott D. DeSalvo  
Scott D. DeSalvo

Scott D. DeSalvo  
LAW OFFICE OF SCOTT D. DESALVO  
200 North LaSalle Street, Suite 2675  
Chicago, Illinois 60601  
Phone: (312) 895-0545  
Fax: (866) 629-1817  
Attorney Code: 36013



19sd125

Gonsalo Moreno % Illinois Secretary of State- Resides at 817 Cedar Hill Ave. Dallas, TX 75208  
100 W. Randolph  
5th Floor  
Chicago, IL 60601



## **EXHIBIT B**

JESSE WHITE  
SECRETARY OF STATE

JUN 30 2020

AMT \$5.00

**Affidavit of Compliance for Service of Process on Non-resident**

To effect service: please serve the Office of the Secretary of State with 2 copies of the summons, 1 copy of the complaint, and a fully executed Affidavit of Compliance. Fee: \$5.

Pursuant to Section 10-301 of the Illinois Vehicle Code (Chapter 625, Section 5/10-301, Illinois Compiled Statutes, Service of Process on Non-resident), the undersigned states that:

1. I am (plaintiff/attorney for plaintiff) in the following named case:

LATOYIA MIDWINE vs. GONSALO MORENO No. 20 L 006806  
First Named Plaintiff Defendant to be Served

2. This cause of action arises from the use and operation, by the defendant to be served or his duly authorized agent or employee, of a vehicle over or upon the highways of the State of Illinois, which resulted in damage or loss to the person or property of (the undersigned/client of the undersigned). (Strike inapplicable term.)
3. The defendant to be served through the Secretary of State falls under one of the following: (check appropriate box)
- a) ☒ At the time of the accident the defendant was and remains a non-resident of this state, or
- b) ☐ Was a resident of this state at the time the cause of action arose but has subsequently become a non-resident of this state, or
- c) ☐ At the time the cause of action arose, the vehicle was owned by a non-resident and was being operated over and upon the highways of this state with the owner's express or implied permission.
4. The undersigned makes this affidavit for the purpose of inducing the Secretary of State to accept service of process on behalf of the named defendant herein according to the provisions of Section 10-301 of the Illinois Vehicle Code. These provisions are applicable to the instant proceeding. The undersigned has complied with and will continue to comply with all of the requirements of said Section. Further, these provisions require notice of such service and a copy of the process to be sent by registered mail within 10 days by the plaintiff to the defendant at his/her last known address, with the plaintiff's Affidavit of Compliance appended to the summons.
5. The undersigned is aware that **any person instituting any action, suit or proceeding who uses Section 10-301 of the Illinois Vehicle Code to effect service of process, shall be liable for attorney's fees and costs of the defendant if the court finds that the person instituting the action knew or should have known that this section is not applicable for effecting service in such action.**

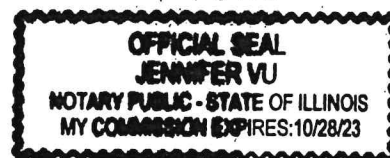
The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

Maria C. Rotten  
Signature of Affiant

6/30/2020  
Date

Subscribed before me this 30th day of JUNE, 2020.

Jennifer Vu  
Notary Public



2120 - Served  
2220 - Not Served  
2320 - Served By Mail  
2420 - Served By Publication  
Summons - Alias Summons

2121 - Served  
2221 - Not Served  
2321 - Served By Mail  
2421 - Served By Publication

JESSE WHITE  
SECRETARY OF STATE

JUN 30 2020

(01/25/17) CCG N001

AMT \$5.00

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LATOYIA MCSWINE

(Name all parties)

v.

GONSALO MORENO, TRUCKS FOR YOU,  
INC., A Foreign Corporation

2020L006806

No.

PLEASE SERVE: Gonsalo Moreno  
817 Cedar Hill Ave.  
Dallas, TX 75208

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602 |   |  |
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077                         | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Dr.<br>Maywood, IL 60153  |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455                   | <input type="checkbox"/> District 6 - Markham 16501<br>S. Kedzie Pkwy. Markham,<br>IL 60428       | <input type="checkbox"/> Child Support: 50 W.<br>Washington, LL-01,<br>Chicago, IL 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 36013  
Name: Law Office of Scott D. DeSalvo, LLC  
Atty. for: Plaintiff  
Address: 200 N. LaSalle #2675  
City/State/Zip Code: Chicago, IL 60601  
Telephone: 312-895-0545  
Primary Email: service@desalvolaw.com  
Secondary Email:  
Tertiary Email:

Witness: \_\_\_\_\_

6/25/2020 3:23 PM DOROTHY BROWN

DOROTHY BROWN Clerk of Court

Date of Service: \_\_\_\_\_  
(To be inserted by officer on Exhibit Defendant or other person)

\*\*Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



193d 125  
pleadings

FORM **BCA-5.25** (rev. Dec. 2014)  
**AFFIDAVIT OF COMPLIANCE**  
**FOR SERVICE ON SECRETARY OF STATE**  
 Business Corporation Act

**TENDERED CHICAGO**  
**CORP. DEPARTMENT**

Department of Business Services  
 501 S. Second St., Rm. 350  
 Springfield, IL 62756  
 217-782-6961  
 www.cyberdriveillinois.com

JUL 10 2020

ACCEPTANCE AND "FILED" DATE  
 ESTABLISHED ONLY AFTER  
 REVIEW BY SPRINGFIELD OFFICE

Payment must be made by check or money  
 order payable to Secretary of State.

Filing Fee: \$10

File #: \_\_\_\_\_ Approved: \_\_\_\_\_

\_\_\_\_\_ Submit in duplicate \_\_\_\_\_ Type or Print clearly in black ink \_\_\_\_\_ Do not write above this line \_\_\_\_\_

1. Title and Number of Case:
 

LATOYIA MCSWINE

V.

GONSALE MORENO, et al.

first named plaintiff

first named defendant

Number: 2020 L 006806
2. Name of corporation being served: TRUCKS FOR YOU, INC., a Foreign Corporation
3. Title of court in which an action, suit or proceeding has been commenced: Circuit Court of Cook County, IL
4. Title of instrument being served: Complaint at Law and Summons
5. Basis for service on the Secretary of State: (check and complete appropriate box)
  - a. ☐ The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
  - b. ☐ The corporation has failed to appoint and maintain a registered agent in Illinois.
  - c. ☐ The corporation was dissolved on \_\_\_\_\_, \_\_\_\_\_; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within five (5) years thereafter.
 

Month Day

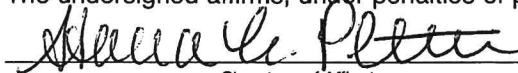
Year
  - d. ☐ The corporation's authority to transact business in Illinois has been withdrawn/revoked (circle one) on \_\_\_\_\_, \_\_\_\_\_.
 

Month Day

Year
  - e. ☒ The corporation is a foreign corporation that has transacted business in Illinois without procuring authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned will cause a copy of the attached process, notice or demand to be sent by certified or registered mail: 3303 N. 32nd Street Muskogee, OK 74401

7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true, correct and complete.

      July 7      2020  
 Signature of Affiant      Month Day      Year  
(312) 895-0545  
 Telephone Number

Return to (please type or print clearly):

Law Office of Scott D. DeSalvo, LLC  
 Name  
200 N. LaSalle St. #2675  
 Street  
Chicago, IL 60601  
 City/Town      State      Zip

2120 - Served  
 2220 - Not Served  
 2320 - Served By Mail  
 2420 - Served By Publication  
 Summons - Alias Summons

2121 - Served  
 2221 - Not Served  
 2321 - Served By Mail  
 2421 - Served By Publication

(01/25/17) CCG N001

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LATOYIA MCSWINE

(Name all parties)

v.

GONSALO MORENO, TRUCKS FOR YOU,  
 INC., A Foreign Corporation

2020L006806

No.

PLEASE SERVE: TRUCKS FOR YOU, INC.  
 Via R/A Jay Calavan  
 3303 N. 32nd Street  
 Muskogee, OK 74401

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room <u>801</u> , Chicago, Illinois 60602 |   |  |
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077                                 | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Dr.<br>Maywood, IL 60153  |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455                           | <input type="checkbox"/> District 6 - Markham 16501<br>S. Kedzie Pkwy. Markham,<br>IL 60428       | <input type="checkbox"/> Child Support: 50 W.<br>Washington, LL-01,<br>Chicago, IL 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 36013Name: Law Office of Scott D. DeSalvo, LLCAtty. for: PlaintiffAddress: 200 N. LaSalle #2675City/State/Zip Code: Chicago, IL 60601Telephone: 312-895-0545Primary Email: service@desalvolaw.com

Secondary Email: \_\_\_\_\_

Tertiary Email: \_\_\_\_\_

Witness: \_\_\_\_\_

6/25/2020 3:23 PM DOROTHY BROWN

DOROTHY BROWN, Clerk of Court

Date of Service: \_\_\_\_\_

(To be inserted by officer or copy left with Defendant or other person)

\*\*Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

## **EXHIBIT C**

**GONSALO MORENO**  
**AFFIDAVIT OF CITIZENSHIP & CONSENT TO**  
**REMOVAL**

I, Gonsalo Moreno, being of legal age, seal under penalty of perjury that the following statements are true and accurate, to the best of my knowledge and belief:

1. I am a citizen and resident of the State of Texas.
2. I am a defendant in this matter.
3. I do not object to the removal of this matter from Cook County, Illinois to the U.S. District court for the Northern District of Illinois.

Further Affiant Sayeth not.

By: \_\_\_\_\_

*Gonsalo M.*

Gonsalo Moreno

*7/27/20*



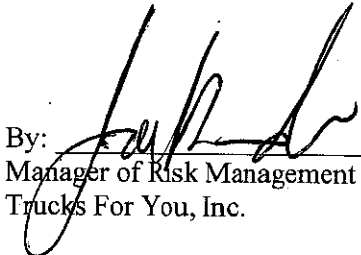
## **EXHIBIT D**

**TRUCKS FOR YOU, INC.**  
**AFFIDAVIT OF CITIZENSHIP & CONSENT TO REMOVAL**

I, Joe Irwin, being of legal age, swear under penalty of perjury that the following statements are true and accurate, to the best of my knowledge and belief:

1. I am a citizen and resident of the State of Oklahoma.
2. I am the Manager of Risk Management of Trucks For You, Inc.
3. Defendant Trucks For You, Inc., is incorporated in the state of Oklahoma, with its principal place of business in Muskogee, Oklahoma.
4. Trucks For You, Inc., does not object to the removal of this matter from Cook County, Illinois to the U.S. District court for the Northern District of Illinois.

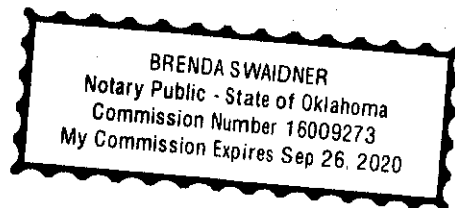
Further Affiant Sayeth not.

By:   
Manager of Risk Management  
Trucks For You, Inc.

SUBSCRIBED and SWORN to before me

On July 23, 2020

  
NOTARY PUBLIC



## **EXHIBIT E**



July 29, 2019

**Sent Via Certified Mail:**

David A. Weinberg  
CIA Custard Insurance Adjusters  
1701 E Woodfield Road, Suite 423  
Schaumburg, IL. 60173

|     |                 |                                |
|-----|-----------------|--------------------------------|
| RE: | Our Client:     | LaToyia McSwine                |
|     | Your Insured:   | Gonsalo Moreno, Trucks for You |
|     | Date of Injury: | July 11, 2018                  |
|     | Our File No.:   | 19sd125                        |
|     | Claim No.:      | 046-028525                     |

To Whom it May Concern:

As you may know, I represent LaToyia McSwine in her claim against your insured, Gonsalo Moreno and Trucks for You. Due to Gonsalo's negligence on July 11, 2019 LaToyia was injured as a result of a motor vehicle crash. The crash occurred as LaToyia was traveling northbound on Interstate 294 in the area of mile post 30.7. After LaToyia had switched lanes to in order to exit at Interstate 290, she was rear-ended by Gonsalo.

The severity of the impact caused LaToyia to hit her chest on the steering wheel and head on the windshield causing her to immediately experience back pain, neck pain and a headache.

Immediately following the crash, LaToyia was transported to Elmhurst Memorial Hospital by the Village of Berkeley EMS. While en route to the hospital, the EMS crew evaluated LaToyia and placed a c-collar on her because of her neck pain. LaToyia also described that the pain in her back was located in the lower region. The EMS crew did not note any other injuries and assisted LaToyia into the emergency room at Elmhurst Memorial Hospital.

Once in the emergency room, LaToyia was seen by Hillary Loehman, APN. LaToyia described to Nurse Loehman that she was experiencing neck pain, midsternal chest pain, low back pain, and a headache. Nurse Loehman ordered that LaToyia receive a CT scan of her chest, abdomen, and pelvis, a CT scan of her cervical spine, and a CT scan of her brain of head. The results of her CT scan of her chest, abdomen, and pelvis showed no acute post traumatic abnormality of the chest, abdomen, or pelvis. The results of her CT scan of her cervical spine showed no acute cervical fracture or significant degenerative change in the cervical spine. The results of her CT scan of her brain or head showed no acute intracranial process. Once Nurse Loehman reviewed the radiology reports, she diagnosed LaToyia with a neck strain. She instructed her to follow up with Dr. Vankana as soon as possible. She was also prescribed



Tizanidine for the pain.

On July 12, 2018, LaToyia presented herself to the emergency room at MetroSouth Medical Center for a second opinion. LaToyia presented herself to Benjamin Garcia, D.O. with symptoms of headache, neck pain, back pain, and anterior rib pain. She reported that after waking up her neck felt stiff, she was experiencing intermittent headaches, her back felt stiff, and she felt tenderness to her anterior rib cage. Doctor Garcia ordered that LaToyia have a chest x-ray done. The results showed that there was no acute traumatic injury. Doctor Garcia also ordered an x-ray of LaToyia's thoracic spine to be done. The results showed that there was no acute traumatic bony abnormalities on x-ray examination of the thoracic and lumbar spine. Lastly, Doctor Garcia ordered that LaToyia have an x-ray of her lumbosacral spine. The results showed no acute traumatic abnormalities. Doctor Garcia diagnosed LaToyia with post concussive syndrome, back pain, thoracic and lumbar strain, anterior rib pain and a cervical strain. Doctor Garcia discharged LaToyia home and instructed her to follow up with Doctor Vankana within one to two days. He also prescribed her pain medication and gave her educational materials to care for her injuries.

On July 17, 2018, LaToyia followed up with Doctor Saritha Vankana for symptoms related to her back pain. Doctor Vankana referred LaToyia to see a back specialist and to follow up if needed.

On July 28, 2018, LaToyia presented herself to Advanced Physical Medicine for her initial examination with Aleksandr Goldvekht, M.D. LaToyia explained that she was experiencing pain in her neck, mid back, low back, and left lower leg. LaToyia was given a series of physical exams and tests to evaluate her injuries. As a result, LaToyia was recommended to begin moist heat therapy, electrical muscle stimulation, and physical therapy exercises. She was instructed to come to therapy 3 times a week for the first two weeks and 2 times a week for the last 3 weeks.

On August 1, 2018, LaToyia presented herself to Advanced Physical Medicine for her initial evaluation. LaToyia was diagnosed with cervical whiplash injury, thoracic whiplash injury, lumbar whiplash injury, and left leg contusion. The goal for LaToyia's physical therapy was to evaluate and treat LaToyia with physical therapy to restore her to her previous function. LaToyia's therapist, Zeeshan Bhatti, determined that manual therapy, therapeutic exercises, therapeutic activities, neuromuscular re-education, spinal decompression, hot and cold packs, mobility training, and coordination would help to restore her function.

LaToyia continued her course of therapy as recommended and followed up with Doctor Goldvekht on September 10, 2018 regarding her symptoms. LaToyia reported that she was still experiencing pain in her neck, lower back, both forearms, and both shins. Doctor Goldvekht evaluated LaToyia's range of motion in her back and determined that she was still injured. He re-prescribed her flexeril for the pain and ordered an MRI of her cervical and lumbar spine. He



recommended that she continue her course of physical therapy.

On September 10, 2018, LaToya reported to American Diagnostic MRI to have an MRI of her cervical spine and lumbar spine. The results of the MRI of her cervical spine showed that at the C4-C5, C5-C6, and C6-C7 levels, there were 1-2 mm posterior annular disk bulges which indent her thecal sac at those levels. The results of the MRI of her lumbar spine showed that at the L5-S1 level, there was a 8-9 mm posterior central subligamentous disk herniation with an extruded nucleus pulposus with significant central stenosis and mild bilateral neuroforaminal narrowing.

On September 17, 2018, LaToya followed up with Doctor Goldvekht at Advanced Physical Medicine to review the results of her MRIs. LaToya reported that there was still not a significant change to her symptoms. Doctor Goldvekht instructed LaToya to continue taking the flexeril and continue physical therapy. He also referred her to an interventional pain management doctor for her cervical and lumbar spine.

On September 26, 2018, LaToya presented herself to Neeraj Jain, M.D. at Pinnacle Pain Management Specialists. LaToya described that she was experiencing neck pain and lower back pain. LaToya described her pain as constant and rated it 7 out of 10. She also explained that she experiences numbness and tingling all the way down her back from her neck. Doctor Jain conducted a physical evaluation and found that the lumbar spine revealed significant pain upon palpation. Doctor Jain diagnosed LaToya with lumbar facet syndrome, lumbar discogenic pain, cervical facet syndrome and cervical discogenic pain. Doctor Jain recommended that LaToya receive injections in her lumbar and cervical regions of her back. She was instructed to continue physical therapy, continue taking her medication, and receive the injections.

On September 28, 2018, LaToya went to her final physical therapy appointment. LaToya's therapist stated that she was progressing, however, she still was experiencing moderate pain and tightness during some of her exercises. He noted that LaToya had increased her range of motion. LaToya was discharged and she began a home exercise program.

On March 7, 2019, LaToya presented herself to Sean Salehi, M.D. at Neurological Surgery and Spine Surgery. LaToya described that she felt pain in her neck with radiation down into her arms. She also described that she was experiencing a constant pain in her low back with tingling into her bilateral legs. Doctor Salehi conducted a series of physical exams and reviewed LaToya's radiology tests and diagnosed her with neck pain, a herniated lumbar disc and degenerative disc disease lumbar spine. Doctor Salehi recommended that she receive one to two caudal injections to see if they provide relief of the pain in her low back. He instructed her to follow up for re-evaluation.

On March 14, 2019, LaToya presented herself to Midwest Anesthesia and Pain Specialists for a consultation for pain with Doctor Mark Farag. She described that she was



experiencing pain in her neck and lower back. She described her lower back pain as sharp, burning, and intermittent in nature. Doctor Farag conducted a series of physical tests and reviewed LaToyia's imaging and diagnosed her with low back pain, radiculopathy of the lumbar region, and cervicgia. Doctor Farag recommended that LaToyia be scheduled for a transforaminal epidural steroid injection into her lumbar spine. She received the injection in the office by Doctor Farag. In addition, he instructed LaToyia to continue her home exercise program, prescribed pain medications, and to follow up in two weeks.

On March 28, 2019, LaToyia followed up at Midwest Anesthesia and Pain Specialists with Doctor Farag. LaToyia explained that the pain in her lower back has improved as she is only experiencing pain at a 6/10 pain level. LaToyia explained that she was experiencing pain in her upper and mid back and her neck still. Doctor Farag instructed LaToyia to follow up in three weeks and continue her home exercise program. He ordered a lumbar orthotic brace to help reduce the pain in her low back with flexion and extension. Doctor Farag described that if LaToyia were continuing to experience pain, he will plan to repeat the initial injection that LaToyia received.

On April 18, 2019, LaToyia followed up with Doctor Salehi at Neurological Surgery and Spine Surgery. LaToyia described to Doctor Salehi that the pain in her lower back is now at a 4/10. He reported that her neck and low back pain has improved and would not recommend surgical intervention. He instructed her to follow up with him if her low back pain worsened.

On April 18, 2019, LaToyia followed up at Midwest Anesthesia and Pain Specialists with Doctor Mark Farag. LaToyia reported that her current pain levels were much lower than her initial pain levels. She described that she has been able to do some of the activities of her daily life without complication. LaToyia also reported that she is still experiencing pain in her neck and upper back, however, it is not as bothersome as before. Doctor Farag wrote a script for medical marijuana and instructed LaToyia to continue her home exercise program and to follow up if needed in the future.

Below is a list of LaToyia McSwine's medical specials related to her accident on July 11, 2018:

Village of Berkeley  
5819 Electric Ave  
Berkeley, IL. 60163  
7/11/2018

\$2231.00

Elmhurst Memorial Hospital  
155 E. Brush Hill Road  
Elmhurst, IL. 60126  
7/11/2018

\$22,642.00







|   |            |
|---|------------|
| Associated Pathology Consultants<br>155 E Brush Hill Rd.<br>Elmhurst, IL. 60126<br>7/11/2018  | \$92.10    |
| MetroSouth Medical Center<br>12935 S Gregory Street<br>Blue Island, IL. 60406-2428<br>7/12/2018   | \$3,625.08 |
| Dr. Saritha Vankana<br>516 W Madison St.<br>Maywood, IL. 60153<br>7/17/2018   | \$70.00    |
| Advanced Physical Medicine<br>6931 W North Avenue<br>Oak Park, IL. 60302<br>7/28/2018-9/28/2018   | \$4062.35  |
| American Diagnostic MRI<br>PO Box 5370<br>Villa Park, IL. 60181<br>9/10/2018  | \$3,900.00 |
| Neeraj Jain M.D.<br>Pinnacle Pain Management Specialists<br>908 N. Elm Street, Suite 109<br>Hinsdale, IL. 60521<br>9/26/2018                          | \$375.00   |
| Dr. Sean A. Salehi<br>Neurological Surgery and Spine Surgery, SC<br>1 Westbrook Corporate Center #800<br>Westchester, IL. 60154<br>3/7/2019-4/18/2019 | \$560.00   |
| Midwest Anesthesia and Pain Specialists<br>2007 75th St.<br>Woodridge, IL. 60517<br>3/14/2019-4/18/2019   | \$3,335.00 |
| ADCO Billing Solution<br>3401 Grande Vista Solutions<br>Newbury Park, CA 91320<br>3/28/2019-4/18/2019   | \$344.63   |

**Total Medical Specials:      \$41,237.16**



Date of First Treatment: 7/11/2018

Injuries:

Neck Strain, Cervical Whiplash Injury/ Facetogenic Pain, Lumbar Whiplash Injury/ Facetogenic Pain, Bilateral UE and LE Injury, Lumbar Facet Syndrome, Lumbar Discogenic Pain, Cervical Facet Syndrome, Cervical Discogenic Pain, Intervertebral Disc Displacement Lumbar Region, Cervicalgia, Low Back Pain, Headache, Chest Pain, Epigastric Pain,

ICD-10 Codes: S16.1XXA, R51, R07.9, R10.13, S16.1X, M50.1, M53.8, M51.1, S80.12 M54.5, M54.2, M50.8, M47.812, M54.16, M51.26, M51.36,

CPT Treatment Codes: 71260, 74177, 70450, 72125, 72072, 72110, 71046, 99283, 99203, 97010, 97014, 99213, 97162, 97535, 97140, 97110, 72148, 72141, 99204, 99203, 99214, 64483, J1030, Q9966,

Prior/Subsequent History of Injuries:

None noted.

| <b>Provider</b>   | <b># of Tx</b> | <b>Last Tx Date</b> | <b>Type of Care</b>                                    |
|---|----------------|---------------------|--|
| Village of Berkeley                                       | 1              | 7/11/2018           | Ambulance Transport                                    |
| Elmhurst Memorial Hospital                                | 1              | 7/11/2018           | Emergency Room, CT Scans and Injections                |
| Associated Pathology Consultants                          | 1              | 7/11/2018           | Emergency Room Pathology Billing                       |
| MetroSouth Medical Center                                 | 1              | 7/12/2018           | Emergency Room, X-Rays                                 |
| Dr. Saritha Vankana                                       | ?              | 7/17/2018           | Primary Care Physician                                 |
| Advanced Physical Medicine                                | 19             | 9/28/2018           | Physical Therapy                                       |
| American Diagnostic MRI LLC                               | 1              | 9/10/2018           | MRI of the Cervical and Lumbar Spine                   |
| Neeraj Jain, M.D.<br>Pinnacle Pain Management Specialists | 1              | 9/26/2018           | Pain Management Specialist, Injections Recommended     |
| Neurological Surgery and Spine Surgery                    | 2              | 4/18/2019           | Follow up Consultation of Pain, Injections Recommended |
| Midwest Anesthesia and Pain Specialists                   | 3              | 4/18/2019           | Pain Specialists, Received Injections                  |



ADCO Billing Solutions

2

4/18/2019

Billing for Medication  
Received at Midwest  
Anesthesia and Pain  
Specialists

History of Complaints:

| Symptom                | Provider  | Date Noted  |
|------------------------|---|---|
| Back Pain              | Village of Berkley-EMS, Elmhurst Memorial Hospital, MetroSouth Medical Center, Saritha Vankana, Advanced Physical Medicine, American Diagnostic MRI, Neeraj Jain, Neurological Surgery and Spine Surgery, Midwest Anesthesia and Pain Specialists | 7/11/2018, 7/12/2018, 7/17/2018, 7/28/2018, 8/1/2018, 8/6/2018, 8/8/2018, 8/10/2018, 8/14/2018, 8/15/2018, 8/20/2018, 8/22/2018, 8/24/2018, 8/27/2018, 8/29/2018, 9/5/2018, 9/7/2018, 9/10/2018, 9/12/2018, 9/14/2018, 9/17/2018, 9/26/2018, 9/28/2018, 3/7/2019, 3/14/2019, 3/28/2019, 4/18/2019 |
| Headache               | Village of Berkley-EMS, Elmhurst Memorial Hospital, MetroSouth Medical Center   | 7/11/2018, 7/12/2018  |
| Neck Pain              | Village of Berkley- EMS, Elmhurst Memorial Hospital, MetroSouth Medical Center, Advanced Physical Medicine, American Diagnostic MRI, Neeraj Jain, Neurological Surgery and Spine Surgery, Midwest Anesthesia and Pain Specialists                 | 7/11/2018, 7/12/2018, 7/28/2018, 8/1/2018, 8/6/2018, 8/8/2018, 8/10/2018, 8/14/2018, 8/15/2018, 8/20/2018, 8/22/2018, 8/24/2018, 8/27/2018, 8/29/2018, 9/5/2018, 9/7/2018, 9/10/2018, 9/12/2018, 9/14/2018, 9/17/2018, 9/26/2018, 9/28/2018, 3/7/2019, 3/14/2019, 3/28/2019, 4/18/2019            |
| Chest Pain             | Elmhurst Memorial Hospital  | 7/11/2018   |
| Rib Pain               | MetroSouth Medical Center   | 7/12/2018   |
| Bilateral Forearm Pain | MetroSouth Medical Center   | 7/12/2018   |
| Bilateral Shin Pain    | Advanced Physical Medicine  | 8/6/2018, 9/10/2018, 9/17/2018  |
| Left Lower Leg Pain    | Advanced Physical Medicine  | 7/28/2018, 8/1/2018, 8/8/2018, 8/10/2018, 8/14/2018, 8/15/2018, 8/20/2018, 8/22/2018, 8/24/2018   |



Prognosis:

| Complaint              | Provider                   | Prognosis  | Prognosis Date |
|------------------------|----------------------------|--|----------------|
| Back Pain              | Neeraj Jain                | Lumbar Facet Syndrome<br>Receive Injections  | 9/26/2018      |
| Headache               | Elmhurst Memorial Hospital | Head Pain<br>Received a CT Scan of her Brain and Head<br>Secondary Symptom to hitting her head on the windshield | 7/11/2018      |
| Neck Pain              | Elmhurst Memorial Hospital | Cervical Strain<br>Begin Physical Therapy,<br>Receive Injections   | 7/11/2018      |
| Chest Pain             | Elmhurst Memorial Hospital | Chest Pain<br>Received a CT Scan of her Chest  | 7/11/2018      |
| Rib Pain               | MetroSouth Medical Center  | Rib Pain<br>Given a Chest Xray   | 7/12/2018      |
| Bilateral Forearm Pain | MetroSouth Medical Center  | Forearm Pain<br>Prescribed Medication for the Pain   | 7/12/2018      |
| Bilateral Shin Pain    | Advanced Physical Medicine | Secondary Symptom to the MVA and LE Pain   | 8/6/2018       |
| Left Lower Leg Pain    | Advanced Physical Medicine | Secondary Symptom to the MVA and Back Pain   | 7/28/2018      |

Therapies:

| Therapy   | Duration           | Physician                  | Last Date Noted |
|---|--------------------|----------------------------|-----------------|
| <b>Physical Therapy:</b><br>Manual Therapy, Therapeutic Exercises, Therapeutic Activities, Neuromuscular Re-education, Spinal Decompression, Electrical Muscle Stimulation, UltraSound Therapy, Hot/Cold Packs, mobility/Gait/Ambulation/Strength Training, Posture/Balance/Coordination, Home Exercise Program | 8/1/2018-9/28/2018 | Advanced Physical Medicine | 9/28/2018       |

Testing:

| Test Type                   | Test Result   | Physician                  | Date Noted |
|-----------------------------|---|----------------------------|------------|
| CT Chest + Abdomen + Pelvis | Impression: No acute post traumatic abnormality of the chest, abdomen, or pelvis  | Elmhurst Memorial Hospital | 7/11/2018  |
| CT Brain or Head            | Impression: No acute intracranial process   | Elmhurst Memorial Hospital | 7/11/2018  |
| CT Spine Cervical           | Impression: No acute cervical fracture or significant degenerative change in the cervical spine   | Elmhurst Memorial Hospital | 7/11/2018  |
| XR Chest 2 Views            | Impression: No acute traumatic injury   | MetroSouth Medical Center  | 7/12/2018  |
| XR Spine Thoracic           | Impression: (1) No acute traumatic bony abnormalities on x-ray examination of the thoracic and lumbar spine. (2) Shallow lumbar levoscoliosis also present previously.  | MetroSouth Medical Center  | 7/12/2018  |
| XR Spine Lumbosacral        | Impression: No acute traumatic bony abnormalities on x-ray examination of the thoracic and lumbar spine. (2) Shallow lumbar levoscoliosis also present previously.  | MetroSouth Medical Center  | 7/12/2018  |
| MRI of the Cervical Spine   | Impression: At the C4-C5, C5-C6, and C6-C7 levels, there are 1-2 mm posterior annular disk bulges which indent the thecal sac at these levels. (2) The rest of the cervical spine is unremarkable.  | American Diagnostic MRI    | 9/10/2018  |
| MRI of the Lumbar Spine     | Impression: At the L5-S1 level, there is an 8-9 mm posterior central subligamentous disk herniation with an extruded nucleus pulpous with significant central stenosis and mild bilateral neuroforaminal narrowing. (2) The rest of the lumbar spine appeared unremarkable. | American Diagnostic MRI    | 9/10/2018  |

Gaps or Delays in Treatment:

None Noted.

Wage Loss Claim:

None Noted.



Loss of Enjoyment of Life:

LaToyia suffered from impaired function and pain, and as a result, suffers a loss of enjoyment of daily work, domestic, hobby and leisure activities. Accordingly, we are making a loss of enjoyment of life claim, which is supported by the medical notes in this case.

LaToyia experienced a loss of enjoyment in performing domestic activities and as a result of her injuries has had to significantly modify her daily living activities to avoid the onset of increased pain to her back, neck, chest and ribs. LaToyia's back pain was exacerbated with prolonged walking, standing, and sitting. Although LaToyia's pain was decreased with rest, the pain would wake her from her sleep. LaToyia experienced difficulty with her self care and personal hygiene. As such, she had difficulty managing her pain when she would make her bed or put on her shoes. In addition, LaToyia struggled with prolonged physical activity, such as, standing for long periods of time or walking. As a result, LaToyia's life was negatively impacted as a result of the accident.

Demand:

In light of the above, we are demanding \$150,000.00 for the settlement of LaToyia McSwine's claim. If your valuation of the claim is less than our settlement demand, please break down your offer of settlement outlining specifically the value you are assigning to each component of our client's damages.

I have enclosed the bills and records our office has to date for your consideration. Please contact me once you have had a chance to review this claim so that we may reach an amicable solution rather than me filing suit.

Sincerely,

THE LAW OFFICE OF SCOTT D. DESALVO, LLC

*ss/Stacia Peterson*

Stacia E. Peterson